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INCORPORATING DISABILITY ISSUES IN CANADIAN FOREIGN POLICY: A HUMAN RIGHTS STRATEGY

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Incorporating Disability Issues in Canadian Foreign Policy: A Human Rights Strategy

Discussion Paper

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Incorporating Disability Issues in Canadian Foreign Policy: A Human Rights Strategy

Background

As a result of Canada's perspective of disability issues in the context of human rights, Canada has played an important and critical role in bringing the issue of disability forward on international social and economic agendas . Recent leadership in raising awareness and building consensus on the banning of landmines has further increased Canada's profile on disability issues internationally. The Canadian model has been recognized internationally for its contribution to the rights of people who have a disability.

The inclusion of disability in Canada's Charter of Rights and Freedoms and the treatment of disability issues as issues of human rights and equality provide an alternative to traditional approaches and provides a model for the promotion of human rights more broadly. The Canadian experience provides alternatives to programs targeted at specific groups which can inadvertently create segregation and reduce participation by vulnerable groups in the mainstream. Social exclusion is one of the determinants of social unrest and has been identified as one of the critical elements in peace building efforts. In contrast, political, social and economic systems which are designed to support the participation of people who have a disability contribute to the development of effective and stable communities. In his recent Federal Budget, Minister Martin introduced measures which would: give opportunities to many young Canadians who would not have otherwise had the opportunity to go to university; support low income families with children as a means of giving all children an equal chance to become participating members of society and measures designed to offset the costs associated with a disability to support families who have a member with a disability. These measures where introduced not as a set of welfare policies but as a series of initiatives designed to promote economic growth and prosperity. This made in Canada approach recognizes that a rights based approach to economic and social policy is the only sustainable and economically viable approach in the 21st Century.

In addition, Canadian foreign policy on human rights has emphasized the role of civil society in democratization efforts and has drawn linkages between economic and social structures as a basis for sustainable peace and development. As the need to integrate

Canadian foreign policy efforts in trade and human rights becomes more evident, the important role of civil society has been emphasized. However, groups within civil society who have traditionally been marginalised or who require some supports to facilitate their participation in civil society are often inadvertently excluded in the design and development of initiates to strength civil society and in the building of economic and political systems.

In the development and operationalization of a human rights strategy in Canadian Foreign policy, the issues affecting people who have a disability need to be incorporated from the outset. The following provides a framework for a discussion regarding the integration of disability into the human rights agenda of Canadian foreign policy generally and more specifically in Canadian development, trade and diplomacy strategies.

Scope of the Issue

According to the United Nations, there are a half-billion men, women and children with disabilities in the world. They are often prevented from participating fully in the life of their societies not because of the nature of their disability but rather as a result of the social and economic structures which restrict their participation.

The cost of exclusion is borne by:

- People who have a disability. They are poor, undereducated, marginalised and more likely to be victims of violence.
- Families - 225 million people - pay the costs of have a dependent family member either because of the costs associated with a disability or due to lost income for the family member who provides care.
- Communities which experience social alienation and social unrest.

- nations pay the price in reduced productivity and dependency.

- In 1994, the cost of excluding persons with a disability from the workforce in Canada was estimated to be $50 billion.

"Eighty -five percent are in developing countries and therefore are doubly disadvantaged by poverty and disability. Counting family members who are also directly affected, a fifth of the world's population lives with disability on a daily basis. ...[ ]... The numbers are increasing dramatically. Population growth, war injuries, landmines, accidents, malnutrition, disease, substance abuse and environmental damage all contribute to this increase."
(Franklin Delano Roosevelt International Disability Award)

Purpose of a "Disability Strategy"

The purpose of developing a Canadian strategy on disability is twofold.

First, an effort to coordinate Canadian efforts on the issue of disability would take advantage of Canada's reputation as a leader on the issue and would advance the situation of people who have a disability internationally. By building on the strong record which Canada has developed on the issue of disability, a foreign policy strategy which provided a focus on inclusion and participation would contribute to the development of a global public policy which promotes sustainable economic and democratic structures and communities.

Second, a coordinated approach to the issue of disability through Canadian foreign policy would lever opportunities to promote Canada's broader human rights agenda. It provides a vehicle to advance Canadian efforts to engage civil society and promote democratic participation.The main objective of integrating disability as human rights issue into Canadian Foreign policy and practice is to use disability as prototype to promote a model which address inequality and builds economic and social structures which are inclusive of all groups in society. Canada is emerging as the leader in the development of model in which the role of government is to promote the participation of citizens in economic and social systems and structures. Internationally, Canada has championed the view that trade, democracy and human rights go hand in hand. As

international leaders in this regard Canada is now positioned to demonstrate the reciprocal benefits which strong communities can have on economies and which strong economies can have on democratization. Strategies which promote the participation of people who have a disability can provide a model for social inclusion more generally.

Elements of a Policy on Disability

A coordinated strategy to operationalize the model of participation, equality and inclusion in Canadian foreign policy is needed to take advantage of Canada's efforts to promote the equality of people who have a disability and to strengthen Canadian human rights efforts. The creation of a disability lens through which foreign policy can be viewed would ensure that policies to strengthen civil society, promote democratization, support labour market development and other foreign policy efforts would be inclusive of people who have a disability.

To be effective a foreign policy strategy on disability would need to be based on:

- a human rights and equality framework;
- the integration of economic and social strategies (trade, diplomacy and development); and
- partnerships between government, business and civil society

Contributing to Canadian Foreign Policy Objectives

A Canadian strategy on disability would contribute to Canadian Foreign policy objectives as they are set out in Canada in the World.

Promoting prosperity and employment;
To secure opportunities for trade and investment for Canadian goods and services, it is increasingly important to recognize and embrace the integration between economic and social well-being. Strong economies depend on political, economic and social stability. An international strategy on disability would: address issues contributing to the labour market exclusion of people who have a disability and contribute to the process of democratization.

- International financial institutions have recognized the potential economic advantage of development strategies which promote the inclusion of marginalised groups in economic, social and political systems:

  - The Economic Cooperation and Development (OECD) in **Shaping the 21st Century** outlines the compelling evidence that sustainable social development activities are essential to the creation of stable democracies (conduits for strong economies).

  - The rationale which the OECD provides for development activities in part is "enlightened self-interest". The linkage between economic and social development has become very tangible to economists and human rights activists alike.

- Canada has introduced a new model of public policy which invests in supports which enable participation in the labour market, social structures and political processes. In contrast to traditional approaches to the role of government which are based on the "free market" and those which are based on a social structure, the Canadian model offers an alternative . The role of government in this model is to invest in the social and economic structures which provide support for participation.

  - The last Federal Budget announced a series of public policy innovations designed to promote the economic participation of those in society who have previously been excluded or who are at risk of being excluded (children and youth from low income families, people who have a disability, members of the aboriginal community and others).

  - Canadian efforts including the Employment Equity Act, changes to the tax system which recognize the extra expenses borne by people who have a disability in the workplace and programs to support persons who have a disability as they prepare for work have been recognized not just for their impact on people who have a disability but as a means of ensuring that people who have a disability are given the supports that they require to contribute to economic growth and decrease public spending on income support programmes.

Contributing to Canada's security in a stable global framework

Security is an increasingly complex issue in a world of economic and social interdependence. In a climate of crisis societies experience a general deterioration of living conditions, resulting in vulnerability among certain sectors of the population, including persons with a disability and their families. In Guatemala the issues of social marginalization and specifically the situation of people who have a disability were identified as issues to be addressed as a part of the peace process. In addition, prolonged armed conflict cause substantial increases in the number of people who have a disability. A comprehensive disability strategy would contribute to Canada's foreign policy objectives by address the inequality of people who have a disability, a potentially destabilizing influence in many societies by:

- Assuring access to the benefits of society for previously marginalised or vulnerable groups overcomes conditions which can lead to social unrest.

- Utilizing the peace building process to establish sustainable economic, social and political reforms built on principles of inclusion and partnership.

Promoting Canadian values in the treatment of disability as an issue of human rights and equality

Commitment to human rights is fundamental to Canadian values and identity. As Canadians we define human rights not only as access to political rights, we have come to understand that "human security also requires stability and the pursuit of economic and social rights" (The Honourable Lloyd Axworthy, Minister of Foreign Affairs, at the Consultations with Non-Governmental Organizations in Preparation for the 53rd Session of the United Nations Commission on Human Rights,1997).

In many ways the framework for fiscal and social public policy in Canada is based on a broad conceptualization of equality and human rights. By situating disability in a human rights context, the Canadian approach necessitates the development of mainstream structures, systems and policies which are inclusive.

- The Charter of Rights and Freedoms has defined the structure and basis of

democratic participation in Canada and has promoted the participation of civil society, particularly for groups at risk of being marginalised. The Charter has had two fundamental effects on defining Canadian identity. First, it has entrenched our belief as a society in the concept of equality and second it recognizes systemic discrimination by identifying groups in society who are at risk of being discriminated against or marginalised (The Canadian Charter of Rights and Freedoms, Section 15).

- Public policy makers are increasingly adopting the view that "disability is a consequence of how society is organized and the relationship of the individual to society at large. The rights-outcome approach looks beyond particular environments to focus on broad systemic factors that keep certain people from participating as equals in society, and enable equality of well-being as an outcome."(Disability, Community and Society, The Roeher Institute, 1997 p.17)

Recommendations for Implementation

An effective strategy to include disability in Canadian Foreign policy would provide an integrated use of foreign policy tools in international trade, diplomacy and international assistance/development.

The first step toward an integrated and coherent strategy would be the development of a statement to guide a foreign policy framework on disability. A guiding set of objectives on inclusion could be formulated through a consultation process which brought together, Canadian and international NGOs (including not only those which are focussed on disability issues but also others who are interested in issues of social and economic marginalization). Using the Charter, the International Declaration of Human Rights and other human rights instruments as a basis for the formulation of this statement, the process would also serve to raise awareness regarding the issues affecting people who have a disability as they cut across the work in which many NGOs are currently engaged. The statement would provide a disability "lens" through which programs and policies could be viewed to determine their potential impact on people who have a disability.

To be effective a comprehensive strategy would utilize existing Canadian foreign policy instruments to achieve the economic and social inclusion of people who have a

disability in communities around the world. A coordinate disability strategy would be integrated into programming at DFAIT and CIDA as well as Canada's bilateral and multilateral relations in the areas of trade, aid, diplomacy and development.

Establish a framework and build a capacity for the inclusion of disability in foreign policy

- development of a statement to guide a foreign policy on disability in the context of Canada's human rights agenda
- introduction of a working group on this issue at the Minister's Advisory Committee
- development of a research agenda on international disability by the Sub-Committee on Sustainable Development of the Standing Committee on Foreign Affairs
- promote the development of a human rights based approach to disability through the United Nations System

Integrate disability issues in Canadian Aid efforts

- consistent with Canadian priorities in international aid efforts, develop strategies to address the social and economic disadvantage of people who have a disability

Incorporate disability issues into peace building initiatives:

- DFAIT should sponsor a roundtable on peacekeeping and disability (marginalization) to identify issues and develop strategies for including disability in Peace building projects.
- use the landmines initiative for the launch of a strategy to include disability as a human rights issue in foreign policy.

Include disability in trade strategies which recognize the economic advantage of promoting human rights:

- develop a framework for the integration of disability and human rights issues to correspond to multi-lateral trade agreements.

- promote partnerships between business, government and civil society to enhance the integration between trade policies and disability issues by:
  - creating linkages between business and the voluntary sector,
  - by providing seed money for development activities which strengthen the capacity of civil society and
  - by encouraging business to consider issues of equality and human rights in their business development,

Taken together the analysis and recommendations in this paper provide a basis for the further discussion and articulation of strategies to promote the inclusion of people who have a disability as a matter of human rights throughout foreign policy initiatives at DFAIT and CIDA.

APPENDIX I

Disability as a Human Rights Issue -- The Canadian Model

The Charter of Rights and Freedoms while relatively young by international standards has defined the structure and basis of democratic participation in Canada and has promoted the participation of civil society, particularly for groups at risk of being marginalised. The Charter has had two fundamental effects on defining Canadian identity. First, it has entrenched our belief as a society in the concept of equality and second it recognizes systemic discrimination by identifying groups in society who are at risk of being discriminated against or marginalised (The Canadian Charter of Rights and Freedoms, Section 15).

In addition, there are indications that human rights instruments including the Charter are affecting the way courts are making decisions and provincial legislation is being designed to advance the citizenship of people with disabilities. A few of these include:

Elections Act

- The right to vote for persons residing in mental health and other specialized institutions. In 1988, during a federal election, the Canadian Disability Rights Council applied to the federal Court of Canada to challenge the federal Elections Act which contained a provision disqualifying individuals whose liberty was restricted from being able to vote.

  (Canadian Disability Rights Council v. R. (17 October 1988), T-1787-88 (F.C.T.D.)[unreported].

Education

- The precedent-setting right to integrated education for all children in their neighbourhood schools in the province of New Brunswick.

  (Bill 85: An Act to Amend the Schools Act, June 1986, 4th session, 50th Legislature, Province of New Brunswick.)

Sterilization

- The Supreme Court of Canada decision re:Eve [1986] 2 S.C.R. 388,31 D.L.R. (4th) which limited the power oft he state and other third parties to perform intrusive medical procedures on non-consenting adults who have an intellectual disability.

(*Summary Taken from *Disability, Community and Society*, The Roeher Institute, 1997)

We have seen also that since the adoption of the Charter, Canada has grown a strong tradition of civil participation which blends the rights and freedoms of individuals with the rights of groups in our society who have been marginalised. The Charter while significant as a legal mechanism fort he protection against discrimination has been even more significant as a document which expresses our values as a society and which recognizes in our constitution, "concept of Canadian citizenship that not only guarantees fundamental liberties and democratic and legal rights, but also guarantees that no one will suffer discrimination anywhere in Canada because of any law - federal or provincial on grounds such as race, colour, religion, national or ethnic origin, sex, age or physical or mental handicap." (Jean Chretien, *Bringing the Constitution Home*, Towards a Just Society; The Trudeau Years, 1990).

It is as a result of the Charter to a large extent that Canada has built a strong tradition of citizen participation through organizations of civil society. Many equality-seeking groups which now contribute to the development and implementation of public policy have their origins in Charter challenges. More broadly the Charter has set the context for public policy, public participation through the organizations of civil society and partnerships between the public, private and voluntary sectors in Canada.

The human rights based approach to disability which has emerged "assumes that public policy and programs should aim to reduce civic inequalities to address social and economic disadvantage" (*Disability, Community and Society*, The Roeher Institute, 1997, p.17)... [It] provides an analysis of how society marginalise people with disabilities, and how it can be adjusted to respond more effectively to their presence and needs. This approach focuses on preventing the disabling aspects of society, on supporting human diversity, on empowering disadvantaged individuals."

Making Human Rights Work - The Task Force on Disability issues

While jurisprudence resulting from the Charter has instructed and given form to policies and systems in Canada, we have learned from experience that the development and implementation of policies which respect and promote the participation of all sectors of our society requires the use of multiple strategies involving government, business and the voluntary sector. It has also become clear that some of the greatest barriers to participation in the labour market, education, society and our communities are a result of programmes and policies which were designed without consideration of the effects they would have on people who have a disability.

Equal Citizenship for Canadians with Disabilities: The Will to Act, the Task Force on Disability Issues, report, outlines many of the issues related to the application of a human rights framework in the area of disability policy and programming. The report, a product of a public consultation which engaged people who have a disability from across the country, clearly articulates the issues affecting people who have a disability as a citizenship issue. The consensus which emerged reflects a comprehensive view

of human rights.

"... popular conceptions of citizenship incorporate a increasingly complete set of rights. From "civil rights" such as freedom of speech, thought, and faith, citizenship came to include "political rights" as expressed by the right to hold office or to vote. Most recently, twentieth century citizenship is understood to comprise not only these but also "social and economic rights". These are the level of well-being and security the are required to exist in a society. They represent a commitment that there will be no internal "borders" and that all those who call a particular country home can participate fully in the life of the community".(Federal Task Force on Disability Issues, *Equal Citizenship for Canadians with Disabilities;The will to act*, 1996 pg.10)

The recommendations of the Task Force are an acknowledgement that the government has a responsibility to provide support to people who have a disability in order to promote their participation as citizens. This support if effective will replace for many the need for social and economic dependence. The emerging human rights based approach to disability issues is also a vehicle for sustainable economic growth and participation.

In his recent Federal Budget, Minister Martin introduced measures which would: give opportunities to many young Canadians who would not have otherwise had the opportunity to go to university; support low income families with children as a means of giving all children an equal chance to become participating members of society and measures designed to offset the costs associated with a disability to support families who have a member with a disability. These measures where introduced not as a set of welfare policies but as a series of initiatives designed to promote economic growth and prosperity. They recognize that a rights based approach to economic and social policy is the only sustainable and economically viable approach in the 21st Century.

Domestic and international research by the Roeher Institute, Canada's national policy research Institute on Disability and other equality rights based research organizations over the last 10 to 15 years has revealed that "understanding the needs of a person with a disability from a perspective which recognizes that the disability is limiting to the extent that the environment and the structural conditions are restricted changes the nature of how to address the issue. A person with a disability may be excluded from the labour market more because potholes in the street make it impossible to navigate a wheelchair than because of a need for special training." (The Canadian Association for Community Living, prepared for the Inter-American Development Bank, *Integration of Persons with Disabilities Into the Productive Workforce*, 1997)

APPENDIX II

Some International Documents Affecting The Rights of People Who Have a Disability

Universal Declaration of Human Rights (1948)

UN Declaration on Disabled Persons (1975)

World Program of Action concerning Disabled Persons (1983)

United Nations Convention on the Rights of the Child (1989)

Standard Rules on the Equalization of Opportunity (1993)

Declaration of Managua (1993)

Social Development Accord (Copenhagen 1995)

Bejing World Conference on Women (1996)